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DRAFT

**THOMASTON BOARD OF SELECTMEN
REGULAR MEETING
TUESDAY, FEBRUARY 2, 2010**

Roll Call:

Meeting was called to order at 7:00 p.m.

First Selectmen Mone, Selectman Scheppard and Selectman Barrett, Sr. were present. Deborah Bournival, Administrative Assistant, was in attendance to take the minutes.

Approval of Minutes:

Selectman Scheppard said that under "**Budget 2010-2011 Discussion & Review**", it should read as follows..."**after discussions among the selectmen, the following changes were recommended to the following departments/line items**".

A motion was made by Selectman Scheppard to approve the minutes of the January 19, 2010 regular meeting as amended. Motion was seconded by Selectman Barrett, Sr.. With all in favor, motion carries.

Board/Commission Appointments:

None at this time.

Tax Refunds:

A motion was made by Selectman Barrett, Sr. to approve the tax refund submitted by the Tax Collector in the amount of \$164.78 to Frederick & Grace Morgan, check written to include car taxes already paid. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Barrett, Sr. to approve the tax refund submitted by the Tax Collector in the amount of \$61.05 to Emma Belle Innes, money order for incorrect amount due. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Barrett, Sr. to approve the tax refund submitted by the Tax Collector in the amount of \$46.91 to Daniela Wojcik, sold 3/09, Assessor prorated. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Barrett, Sr. to approve the tax refund submitted by the Tax Collector in the amount of \$87.73 to Surinder Bharara, payer sent in money order for incorrect amount due. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Barrett, Sr. to approve the tax refund submitted by the Tax Collector in the amount of \$8.65 to Josephine Capobianco, vehicle prorated by Assessor, car sold 8/09. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Barrett, Sr. to approve the tax refund submitted by the Tax Collector in the amount of \$4,272.60 to Darryl & Lucille Maslak, taxpayer had already paid their tax bill even though it was escrowed. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Scheppard to move to Item #6 on the agenda – New Business. Motion was seconded by Selectman Barrett, Sr. With all in favor, motion carries.

A motion was made by Selectman Barrett, Sr. to add an item to the agenda under New Business – Track Committee Presentation. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

Track Committee Presentation:

In attendance at tonight's meeting was Amy McKearney of the Track Committee to give a status report on the proposed outdoor track. As Amy stated, the Committee would like to refer to it as a "wellness" track because it can be used by all residents when not in use by the students. The Committee is in the process of writing a grant for funding this track. There are two possible locations: one is at Nystrom's Park and the other is at property now owned by Ward Leonard. A letter was sent to Ward Leonard re: their site, but there has been no response to date. The approximate cost of this track will be \$800,000 to \$1,000,000. Milone & McBroom, engineers, has been advising the Committee on this project. They just recently did work on a track at Shepaug.

A motion was made by Selectman Scheppard that the Board of Selectmen, in principal, support the efforts of the track committee in constructing a track. Motion was seconded by Selectman Barrett, Sr. With all in favor, motion carries.

A motion was made by Selectman Scheppard to schedule a public hearing on the track for Wednesday, February 24, 2010 at 7:00 p.m., place to be determined. Motion was seconded by Selectman Barrett, Sr. With all in favor, motion carries.

New Business – Municipal Pole Attachment:

Since SNET or AT&T Connecticut no longer acts as CL&P's authorized agent for processing third party pole attachment applications and licenses, municipalities are required to have an attachment agreement with the owner of the pole and to pay a one-time charge for engineering needed to "make ready" the pole space. Municipalities are allowed one "gain" (attachment) on each public utility pole (with two additional extensions off the "gain" for a total of three attachments) and, therefore, free of charge unless they have more than the three attachments.

A motion was made by Selectman Barrett, Sr. authorizing First Selectman Mone to sign on behalf of the Town of Thomaston CL&P's Standard Form Pole Attachment Agreement for Municipal Private Fiber Networks between the Connecticut Light & Power Company and the Town of Thomaston. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

New Business – ARRA Certification under Section 1511:

A motion was made by Selectman Scheppard authorizing First Selectman Mone to sign on behalf of the Town of Thomaston the Certification under Section 1511 of the American Recovery and Reinvestment Act ("ARRA") for the Old Northfield Road pavement rehabilitation project. Motion was seconded by Selectman Barrett, Sr. With all in favor, motion carries.

New Business – Legal Proposal:

A motion was made by Selectman Scheppard authorizing First Selectman Mone to approve the costs for legal services from Guion, Stevens & Rybak for FY 2010-2011. Motion was seconded by Selectman Barrett, Sr. With all in favor, motion carries.

The Board did agree that the Town should go out to bid for legal services next fiscal year.

New Business – DePecol Sewer Lateral/Town Drainage Culvert Issue:

According to the town attorney in his letter dated January 22, 2010, the Town maintains a large underground stone box drainage culvert which runs through the front yards of the homes between Randolph Avenue and Sanford Avenue approximately 20 ft. from and parallel to the sidewalk. The culvert dates from the late 1800's and was apparently constructed with the consent of the original lot owners prior to the modern practice of obtaining written drainage easements. The Town has the statutory right to maintain the culvert in its historic design and location, provided the culvert does not constitute an

unreasonable interference with the property owner's use and enjoyment of his property. Sometimes these underground culverts are prone to soil settling problems, tree root infiltration and blockages. This culvert in particular caused damage to two of the sewer laterals which cross through it at 117 and 131 High Street in August, 1995. The Town obtained temporary construction easements from the property owners to replace the crossing segments of clay sewer pipe. The old clay pipe lateral on either side of the culvert was left in place due to cost consideration. Since then, the lateral at 131 High Street experienced a new blockage in September, 2009. The First Selectman (then, Maura Martin) authorized the homeowner to hire contractors to dig up the sewer line, investigate the cause of the back up and fix it, subject to Town personnel supervision. If the town culvert was responsible for the problem, the town would assume responsibility for all necessary repairs. It appears that the cause of the sewage back up was a sag in the clay pipe and roots in the lateral run between the basement and the culvert. However, it cannot be said with certainty that the lawn settling was not contributed to by the culvert. A large maple tree may have also contributed to the root problem. It is suggested that in the best interest of the Town, it is most cost effective to fix the problem and obtain easements from the property owners.

New Business – Carnival Permits:

A motion was made by Selectman Barrett, Sr. to approve the use of Sanford Avenue field with the use of alcohol permitted for the Fireman's Carnival from Friday, July 16 through Monday, July 26, 2010 from dawn until dark. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Barrett, Sr. to approve the use of Sanford Avenue tennis courts with the use of alcohol permitted for the Fireman's Carnival from Friday, July 23 through Monday, July 26, 2010 from dawn until dark. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

A motion was made by Selectman Scheppard to amend the agenda by adding "Ambulance Extension" under New Business. Motion was seconded by Selectman Barrett, Sr. With all in favor, motion carries.

New Business – Ambulance Extension:

The First Selectman's office received a letter from the president of TVAC asking for an extension of the current agreement due to the fact that negotiations have not yet begun and the agreement's expiration date is coming up soon.

A motion was made by Selectman Scheppard to grant an extension of the current agreement between TVAC and the Town of Thomaston through March 30, 2010. Motion was seconded by Selectman Barrett, Sr. With all in favor, motion carries.

Old Business – Budget Discussions & Review:

Four budgets were brought before the Board:

Probate Court – no changes.

Torrington Area Health – no changes.

Legal Fees – no changes.

Pensions #132 & #133 – no changes.

Old Business – Opera House Update & Discussions:

The current loan balance is \$174,011.20. Selectman Scheppard has started working with the Strategic Planning Committee a few weeks ago. He has passed along to them the information that was submitted to the Board of Selectman from Landmark and the Warner Theatre. After further review by the town attorney, the Opera House Commission does have the authority to contract out for services as they deem necessary.

Selectman Scheppard would like First Selectman Mone to follow up with the DECD, asking for an opinion letter that states their decision re: status of 501(c) 3 status.

Old Business – Transfer Station:

The Committee will be expanding services at the transfer station beginning on Saturday, February 13, 2010. An annual permit fee (\$25.00) will be loaded onto a magnetic card, similar to a debit card, in addition to disposal fees for various items.

The Committee would also like to open up a merchant account to accept payments. First Selectman Mone will take up with the Finance Director this week.

Old Business – Energy Audit Update & Discussions:

First Selectman Mone was able to have further discussions with Scott Simpson, our past Maintenance Coordinator, and found that there were some items that were left out of the audit. EL&M will come back to address these items and then submit a revised proposal.

Public Comment:

Ms. Christine Yoos asked if a replacement has been found for Scott Simpson, Maintenance Coordinator yet. First Selectman Mone responded by saying interviews are continuing and that we hope to hire someone within the next few weeks.

It was also asked what the \$30,000 was for that was mentioned earlier in the meeting under budget discussions. First Selectman Mone said those were retainer fees for attorney/client services.

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A motion was made by Selectman Barrett, Sr. to adjourn the meeting at 8:21 p.m. Motion was seconded by Selectman Scheppard. With all in favor, motion carries.

Minutes respectfully submitted by Deborah Bournival, Administrative Assistant to the First Selectman.